

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In the Matter of:)	
)	
Application for Review of the Decision of)	CC Docket No. 02-6
The Schools and Libraries Decision of the)	
Universal Service Administration Company)	
)	
Applicant Name: American School for)	
The Deaf)	
Billed Entity Number: 5340)	
Form 471 Application Number: 473646)	
Funding Request Numbers: 1319406,)	
1320506, 1320662, 1320681, 1320730,)	
1320846, 1320872, 1342837)	
Funding Year: 2005-2006)	

APPEAL OF AMERICAN SCHOOL FOR THE DEAF

American School for the Deaf ("ASD"), by and through its undersigned counsel and pursuant to Section 54.719 of the Rules of the Federal Communications Commission ("Commission" or "FCC"), respectfully appeals the above-referenced Administrator's Decision on Appeal served on ASD by the Universal Service Administrative Company ("USAC" or "Administrator") on October 13, 2005 ("USAC Letter").¹ In this letter, USAC denied an appeal of ASD, in which ASD sought a reversal of the Administrator's denial of more than \$59,000 of eligible discounts because the Administrator has found that ASD's certification for Form 471 was filed out of window. To the extent that the Commission believes that the Form 471 is out of window, ASD respectfully requests a waiver of the Form 471 certification deadline.

The facts are that ASD completed and timely filed its Form 471 electronically in accordance with program rules. ASD certified the Form 471 electronically, but did not

¹ The October 13, 2005 letter is attached hereto as Attachment A.

have an appropriate PIN assigned by the Administrator. ASD believed that the Form 471 had been certified appropriately and that, therefore, hard copy certification was not required to be filed on or before February 18, 2005.

Although ASD understands that the Commission strictly adheres to filing deadlines and that applicants bear full responsibility for complying with all program deadlines, ASD believes that special circumstances warrant a waiver of the electronic certification for ASD. A waiver is appropriate when special circumstances warrant a deviation from the general rule and such deviation would better serve the public interest than strict adherence to the rule.

Beginning with this current funding year, the Administrator is assigning PINs to all certifiers of E-Rate forms in order that certification be completed online. ASD timely filed its Form 471 and all necessary documentation online, and, in fact, believed it had certified the Form 471 online. Where the Administrator is moving to all on-line certifications, a waiver of hard copy certification in this instance is appropriate.


Moreover, ASD serves hearing-impaired students, an underserved population. Many of the staff and faculty employed by ASD are also hearing-impaired, including the ASD staff member responsible for filing and certifying the Form 471. E-Rate processes are difficult for those not challenged by hearing impairment. Certainly, the public interest favors affording a slight bit more leniency to those hindered in the application process by circumstances beyond their control.

Thus, based on the circumstances, ASD believes that the public interest in ensuring continued E-Rate funding to schools dedicated to teaching the hearing-impaired is much better served by waiving the hard-copy certification filing window by five (5)

days, rather than through strict adherence to the rule. ASD respectfully requests that the Commission reverse the decision of the Administrator and authorize ASD's funding request.

Respectfully submitted,

AMERICAN SCHOOL FOR THE DEAF

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